

5-638546
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MAERSK LINE,

Plaintiff,

- against -

SUNSARA MARKETING, LLC,

Defendant.
-----X

07 CIV. 4542 (STEIN)


MOTION FOR ENTRY
OF JUDGMENT BY
DEFAULT

PLEASE TAKE NOTICE that upon the affidavits of Albert J. Avallone, Esq., with Exhibits annexed thereto, the affidavit of Dave Johnson, and upon all prior papers and proceedings herein, plaintiff MAERSK LINE will move this Honorable Court at the United States District Court for the Southern District of New York, 500 Pearl St., New York, NY, before the Hon. Sidney H. Stein D.J., in Courtroom 23A, at 9:30 a.m. in the forenoon of August 3, 2007, or as soon thereafter as counsel may be heard, for the entry of judgment by default in favor of plaintiff and against defendant SUNSARA MARKETING, LLC due to defendant's failure to respond to the Complaint, pursuant to Fed.R.Civ.P. 12.

Dated: New York, New York
January 4, 2002

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By


Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

MAERSK LINE

07 CV 4542 (STEIN)

Plaintiff,

- against -

AFFIDAVIT

SUNSARA MARKETING, LLC,

Defendant.

-----X

STATE OF NORTH CAROLINA }
COUNTY OF MECKLENBURG } ss.:

DAVE JOHNSON, being duly sworn, deposes and says:

1. I am the Litigation Analyst in the offices of Credit and Collection for MAERSK LINE ("ML"), the plaintiff in the referenced matter. As such, I am personally familiar with the facts and circumstances herein, and I make this affidavit in support of plaintiff's Motion for Final Judgment by Default against defendant SUNSARA MARKETING, LLC.

2. ML's records show that defendant SUNSARA MARKETING, LLC was the consignee of goods carried on plaintiff's Vessels, and is the party responsible to remit the ocean freight and related charges due as set forth in the Complaint. Such charges are true and accurate pursuant to ML's tariff and Service Contract with defendant, are the responsibility of defendant SUNSARA MARKETING, LLC, and remain unpaid.

Dated: Charlotte, North Carolina
June 28, 2007



DAVE JOHNSON

Sworn to before me this
28 day of June, 2007



Notary Public


Notary Public

5-638546

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MAERSK LINE,

07 CIV. 4542 (STEIN)

Plaintiff,

- against -

SUNSARA MARKETING, LLC,

Defendant.
-----X

AFFIDAVIT FOR
JUDGMENT BY
DEFAULT

STATE OF NEW YORK }
COUNTY OF NEW YORK } SS.:

ALBERT J. AVALLONE, being duly sworn, deposes and says:

1. I am a member of the Bar of this Court and am a member of the firm of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff in the above entitled action, and I am familiar with all the facts and circumstances in this action.

2. I make this affidavit in support of plaintiff's application for the entry of a default judgment against defendant SUNSARA MARKETING, LLC.

3. This is an action to recover unpaid ocean freight owed by defendant to plaintiff for the transportation of certain goods of the defendant by the plaintiff.

4. Jurisdiction of the subject matter of this action is based on maritime jurisdiction.

5. This action was commenced by the filing of a Summons and Complaint. A copy of the Summons and Complaint was served on defendant SUNSARA MARKETING, LLC on June 11, 2007 by personal service on Sara Franklin, Managing Agent, and a proof of service was filed. The defendant has not answered the Complaint and the time for the defendant to answer the Complaint has expired.

6. This action seeks judgment for the liquidated amount of \$20,193.00 plus interest at 6% from the respective dates due, as shown by the annexed Statement, which is justly due and owing, and no part of which has been paid except as therein set forth.


7. The disbursements sought to be taxed have been made in this action or will necessarily be made or incurred herein.

WHEREFORE, plaintiff requests the entry of Default and the entry of the annexed Judgment against defendant.

Dated: New York, New York
July 9, 2007


ALBERT J. AVALLONE

Sworn to before me this
9th day of July, 2007


Notary Public

DOROTHY C. MERITE
Notary Public, State of New York
No. 31-4561997
Qualified in New York County
My Commission Expires 2-12-12

5-638546

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK LINE,

Plaintiff,

- against -

SUNSARA MARKETING, LLC,

Defendant.

07 CIV. 4542 (STEIN)

STATE OF NEW YORK
COUNTY OF NEW YORK

} SS.:

ALBERT J. AVALLONE, being duly sworn, deposes and says:

I am a member of the Bar of the Court and am a member of the firm of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff. As such, I am familiar with the facts and circumstances in the above entitled action.

Jurisdiction of plaintiff's claim is based upon maritime jurisdiction.

In my opinion, this Court has jurisdiction over the person and subject matter of this action.

Dated: New York, New York
July 9, 2007


ALBERT J. AVALLONE

Sworn to before me this
9th day of July, 2007


Notary Public

DOROTHY C. MERITE
Notary Public, State of New York
No. 31-4951997
Qualified in New York County
My Commission Expires 07/12/10

5-638546
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK LINE,

07 CIV. 4542 (STEIN)

Plaintiff,

STATEMENT

- against -

SUNSARA MARKETING, LLC,

Defendant.

Principal Amount Sued For:

- | | |
|---|------------|
| 1. <u>On the First Cause of Action</u> | \$6,731.00 |
| Interest at 6% from April 8, 2007 | |
| through August 3, 2007 | \$129.46 |
| 2. <u>On the Second Cause of Action</u> | \$6,731.00 |
| Interest at 6% from April 8, 2007 | |
| through August 3, 2007 | \$129.46 |
| 3. <u>On the Third Cause of Action</u> | \$6,731.00 |
| Interest at 6% from April 8, 2007 | |
| from August 3, 2007 | \$129.46 |

Disbursements:

- | | |
|------------------------|----------|
| 1. Clerk's Fee | \$350.00 |
| 2. Process Server | \$360.00 |


Total (as of August 3, 2007)

\$21,492.35

Dated: New York, New York
July 9, 2007

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By


Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

5-638546

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MAERSK LINE,

Plaintiff,

- against -

SUNSARA MARKETING, LLC,

Defendant.
-----X

07 CIV. 4542 (STEIN)

DEFAULT JUDGMENT

This action having been commenced by the filing of a Summons and Complaint, and a copy of the Summons and Complaint having been served on defendant SUNARA MARKETING, LLC on June 11, 2007 by personal service on Sara Franklin, Managing Agent, and proof of service having been filed, and the defendant not having answered the Complaint, and the time for answering the Complaint having expired,

Now on motion of the Law Offices of Albert J. Avallone & Associates, attorneys for the plaintiff, it is

ORDERED, ADJUDGED AND DECREED that the plaintiff MAERSK LINE have judgment against defendant SUNSARA MARKETING, INC. in the liquidated amount of \$20,193.00, with interest at 6% from the respective dates due amounting to \$589.35, plus the costs and disbursements of this action in the amount of \$710.00, amounting in all to \$21,492.35.

Dated: New York, New York
August , 2007

U.S.D.J.

CITY OF NEW YORK)
 STATE OF NEW YORK) SS:
 COUNTY OF NEW YORK)

MaryAnn Stewart, being duly sworn, deposes and says that she is a member of the Law Offices of Albert J. Avallone & Associates, attorneys for plaintiff herein.

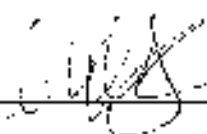
That on the 9th day of July, 2007, she served the within Motion For Entry of Judgment by Default

upon the following:

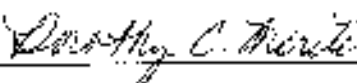
Sunsara Marketing, LLC
 23 Foxhill Road
 Cortland Manor, NY 10567

by depositing (a) true copy(ies) of the same securely enclosed in (a) postpaid wrapper(s) in a Post Office Box regularly maintained by the United States Government at 551 Fifth Avenue, New York, NY 10176, directed to the above mentioned individual(s) at his (their) respective address(es) above, that (these) being the address(es) within the State designated by him (them) for that purpose upon the preceeding papers in this action or the place where he (they) then kept an office, between such places, there then was and now is a regular communication by mail.

Deponent is over the age of 18 years.



Sworn to before me this
 9th day of July, 2007



DOROTHY C. MERITE
 Notary Public, State of New York
 No. 314981987
 Qualified in New York County
 My Commission Expires 12/12/10